

# School “Choice” For Students with Disabilities?

## School Responsibilities: Private School Vouchers, Charter Schools and Open Enrollment

What General Quality Requirements Must Schools Meet?		Voucher Schools	Charter Schools	Open Enrollment
Are teachers required to be certified?		No <sup>1</sup>	Yes	Yes
Are special education teachers required to be highly qualified?		No, special education teachers are not required.	Yes	Yes
Is the school required to follow a curriculum?		Yes <sup>2</sup>	Yes	Yes
Do special education services need to be based upon research?		No. Special education services are not required.	Yes	Yes
Are Schools Covered by IDEA?				
Are schools required to provide Special Education services?		No	Yes	Yes
Are schools required to develop and implement a child's IEP?		No	Yes	Yes
Are children entitled to learn in integrated settings?		No	Yes	Yes
Are schools required to demonstrate that a child has meaningful educational benefit?		No	Yes	Yes
Are schools required to measure a student's progress?	Through standardized testing?	Yes	Yes	Yes
	Through IEP evaluation?	No	Yes	Yes

### How are schools monitored by DPI?

**Open Enrollment:** Schools must submit an annual performance report to the State Superintendent that includes information about student academic achievement and indicators of school and district performance. This includes information about the progress of students with disabilities. Parents may request copies of these reports.

**Charter schools:** Schools' charters must include provisions for annual audits of the school's financial and programmatic operations; schools must also provide standardized testing results to DPI. A school's charter may be revoked if DPI finds it has violated the terms of its charter or that the schools' students failed to make sufficient academic progress. Certain charter schools must be included in the school district's annual performance report.

**Voucher Schools:** To participate in the voucher program, current Milwaukee voucher schools must show DPI that they satisfy one of the following standards: At least 70% of students in the program advance one grade level each year; the average attendance rate for pupils in the program is at least 90%, at least 80% of pupils in the program demonstrate significant academic progress; or at least 70% of families in the program meet the school's parent involvement criteria. Schools are not required to collect or report data related to special education. AB 110, the current special needs voucher proposal, does not require any proof of academic progress specific to students with disabilities.

# Student Rights

## Private School Vouchers, Charter Schools and Open Enrollment

	Voucher Programs		Charter Schools	Open Enrollment
	Milwaukee and Racine Parental Choice Programs	AB 110 Special Education Voucher Program		
Are Students Entitled to Rights under IDEA (FAPE and Due Process Rights)?	No <sup>3</sup>		Yes	
Discrimination in application Process	Schools may adopt admissions criteria that effectively exclude students with certain disabilities. <sup>4</sup>			Schools may reject a student if there is not enough space in the school's special education program or if the services he requires constitute an "undue financial burden."
Transportation	School district may provide limited transportation to a private school at the district's expense. <sup>5</sup>	School district must provide for transportation to any private school anywhere at the district's expense.	Charter school not required to provide transportation. School district may be required to provide and pay for transportation if it is required by a student's IEP.	Nonresident school district must provide and pay for transportation if it is required by a student's IEP. <sup>6</sup>

<sup>1</sup> Teachers are not required to be licensed or certified. A teacher must hold a Bachelors degree, but the degree can be in any subject. A teacher is not required to have a degree in education or special education.

<sup>2</sup> However, the school may include or exclude topics, concepts and practices according to its doctrines.

<sup>3</sup> In private schools, students may be expelled without cause, parents may not question the school's assessment of their child's meaningful progress, and students have no right to be integrated into regular education settings.

<sup>4</sup> The Milwaukee Parental Choice Program is currently being investigated by the U.S. Department of Justice for discrimination against students with disabilities. Other states' special education voucher programs have been reported to increase segregation; many also have problems with discrimination against high-need students.

<sup>5</sup> The school district will provide transportation if 1) the school is within 5 miles of the district's boundaries, 2) the student lives 2 or more miles from the private school, 3) the student lives within the private school's attendance area. If the school district is not required to provide transportation, the private school may charge students for the cost of any transportation it provides.

<sup>6</sup> This cost may be figured into the school's evaluation of whether the student's attendance would create an "undue financial burden"